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For Immediate Release
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WISCONSIN SUPREME COURT STANDS WITH PROPERTY OWNERS

Madison... On Tuesday, the Wisconsin Supreme Court, with a 4-2 vote, decided that a Lafayette County man, Robert Stietz deserves a new trial. In 2012, DNR wardens entered Mr. Stietz's property at dark with no warrant, probable cause, or reasonable suspicion that a crime was afoot. This led to an unfortunate encounter, during which Mr. Stietz and the wardens ended up in a short standoff after Mr. Stietz mistook DNR wardens for trespassers. Mr. Stietz was charged with a variety of crimes, but was only convicted of two. Today, the Wisconsin Supreme Court ruled in his favor and will allow a new trial.

In her concurrence, Justice Rebecca Bradley, joined by Chief Justice Roggensack and Justice Kelly said, "There is no authority under the law permitting DNR wardens to wander private property in search of unknown violations of the law."

Bradley continued, "I also write to reaffirm that the Fourth Amendment prohibits the government from seizing a person on private property - including open fields - absent consent, a warrant, probable cause and exigent circumstances, or another lawful basis for interfering with a person's right to be free from governmental intrusion."

Rep. Jarchow commented, "I could not be happier to see that the Wisconsin Supreme Court has chosen to stand with private property owners and the Fourth Amendment. I commend Justice Rebecca Bradley and her colleagues for their concurrence. The DNR does not have the right to enter onto private property and disarm a property owner when they have no reasonable suspicion or probable cause as a basis for entering the property. This is unconstitutional and I hope that this case affects the way that department does business."

Senator David Craig (R-Town of Vernon) and Rep. Adam Jarchow (R-Balsam Lake) have introduced a bill that would, if passed, implement the standard set forth in Justice Bradley's concurrence that DNR wardens may not enter private property without reasonable suspicion.

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